

**CALIFORNIA
FAMILY CHILD CARE HOME
LICENSING REGULATION HIGHLIGHTS**

The following are highlights of some of the key regulations from Title 22, Division 12, Chapter 3 of the Manual of Policies and Procedures for Community Care Licensing. Applicants and licensees are responsible for reading and understanding the regulations. To access the complete regulations, go to the Community Care Licensing Division's web site at: <http://cclid.ca.gov>. In the gray area at the left-hand side of the screen, click on "Title 22 Regulations". Then scroll down to Family Child Care Homes and click on the blue links.

102352 Definitions

- Family Child Care means regularly provided care, protection and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away

102359 Advertisements

- Licensees shall include the facility license number in all advertisements

102368 License

- The license shall not be transferred to other individuals or different locations
- As of January 1, 2005, the license shall be posted and accessible for viewing during hours when clients are present

102370 Criminal Record Clearance

- Prior to issuing a license, the applicant and all adults residing in the home shall obtain a California criminal record clearance or exemption
- Prior to employment, residence or initial presence in the facility, all adults (anyone 18 years or older) shall obtain a criminal record clearance or exemption
- For individuals previously cleared at another child care facility, a licensee or applicant may request a transfer of a criminal record clearance from one state or county licensed facility to another
- Violation of this section will result in an immediate civil penalty assessment

102370.2 Child Abuse Central Index

- Prior to issuing a license, the Department shall check the Child Abuse Central Index (CACI) for all individuals subject to a criminal record review
- Subsequent to licensure, any individual subject to a criminal record clearance shall complete the Child Abuse Central Index check

102371 Fire Safety Clearance

- For a Small Family Child Care Home, a fire clearance is not required
- For a Large Family Child Care Home, a fire safety clearance approved by the local fire authority shall be required

102383 Terms of a License

- A license remains in effect until it is forfeited, surrendered, suspended, or revoked
- A license is no longer valid if the licensee moves to another home

102384 Applicant/Annual Fees

- An applicant or licensee is charged an orientation, application and/or annual fee. In addition, there is a fee for a change of location, a change in capacity, late payment, and when a licensee does not implement a plan of correction on time

102391 Inspection Authority

- The licensee shall permit the Department to inspect the Family Child Care Home, and to privately interview children or staff, to determine compliance with or to prevent violations of family child care laws or regulations...during the home's normal business hours or when children are in care
- The licensee shall permit the Department to inspect any part of the home in which family child care services are provided or where children have access

102416.5 Staffing and Capacity

- For a Small Family Child Care Home, the maximum number of children cared for, including children under age 10 who live in the home, is one of the following:
 - Four infants, or
 - Six children, no more than three of whom may be infants, or
 - Eight children when one child is six and one child is enrolled and attending kindergarten or elementary school and no more than two infants are in care. Parent notification and property owner consent must be on file
- For a Large Family Child Care Home, the maximum number of children cared for when there is an assistant provider in the home, including children under age 10 who live in the home, and the assistant provider's children under age 10, is either:
 - Twelve children, no more than four of whom may be infants, or
 - Up to 14 children when one child is six and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care. Parent notification and property owner consent must be on file

102416 Personnel Requirements

- Each licensee who provides care shall complete and maintain certification for approved training on preventive health practices (7 hours), including pediatric cardiopulmonary resuscitation (CPR) (4 hours), and pediatric first aid (4 hours). CPR and First Aid cards are to be current at all times--renewed as required
- For Large Family Child Care Homes, in addition to the above, at least one person who has current certificates or cards in pediatric CPR and pediatric first aid must be onsite at all times when children are present at the facility, and available at all times when children are offsite for facility activities

102417 Operation of a Family Child Care Home

- The licensee shall be present in the home and ensure that children are supervised. A substitute adult may care for the children up to 20 percent of the time
- The home shall be kept clean and orderly, with comfortable heating and ventilation
- The home shall have telephone service
- The home shall have safe toys, play equipment and materials
- A child who shows signs of illness shall be separated from other children
- The home shall be free from defects or conditions which might endanger a child
- Fireplaces and heaters shall be screened. The home shall have a fire extinguisher and smoke detector
- Stairs shall be fenced or barricaded when children under five years old are in care
- Detergents, cleaning compounds, medicines, and other items which could pose a danger shall be stored where they are inaccessible to children
- Poisons and firearms shall be stored in locked areas. Ammunition shall be stored and locked separately from firearms
- Swimming pools, hot tubs and spas and all other bodies of water shall be made inaccessible by either a non-climbable, see-through, five-foot fence, with a self-latching gate, or a cover that supports the weight of an adult and is labeled "F 1346-91"
- Outdoor play areas shall be either fenced or supervised by the licensee at all times
- The facility shall have a current roster of children
- There shall be a written disaster plan. Fire and disaster drills shall be conducted and documented at least once every six months
- Baby walkers (exersaucers, jumpers, bouncy seats, etc...and similar items) are not allowed on the premises
- Children shall be placed in appropriate restraint systems (car/booster seats, seat belts) when being transported in a vehicle
- The licensee shall have one of the following:
 - Liability insurance
 - A bond
 - A file of Affidavits Regarding Liability Insurance (LIC 282) signed by each parent and stating that the Family Child Care Home does not carry liability insurance or a bond
- The licensee shall have on file proof that they live in the home, e.g., mortgage documents or rental agreement
- Licensees who live in rented or leased property shall obtain written consent of the property owner if the licensee wishes to increase capacity by two additional school age children

102418 Immunizations

- Prior to admission to a Family Child Care Home, children shall be immunized against diseases. The licensee may exempt a child from this requirement if a physician provides a written statement, or the parent or authorized representative signs a "Personal Beliefs Affidavit"
- The licensee shall document each child's immunizations on the California School Immunization Record, PM 286, (Blue Card)
- The licensee is not required to document immunizations for children who are enrolled in a public or private elementary school

102419 Admission Procedures

- The licensee shall inform parents or children's authorized representatives of their rights, including the following:
 1. To enter and inspect the home as determined by law
 2. To file a complaint against the licensee with the local licensing office without discrimination or retaliation
 3. To review the licensee's public file at the licensing office, or to review reports of licensing visits and substantiated complaints at the licensee's home
 4. To be informed by the licensee, upon request, of the name of any adult at the facility who has been granted a criminal record exemption
- The licensee shall post the PUB 394 Family Child Care Home Notification of Parent's Rights Poster in a prominent, publicly accessible area in the home whenever children are in care
- The person in charge of the Family Child Care Home may deny access to the following:
 - An adult whose behavior presents a risk to children;
 - A non-custodial parent who is subject to a court order denying him/her contact with the child when requested in writing by the child's parent or authorized representative

102421 Child's Record

- The licensee shall keep in each child's record, signed and dated forms, as required in regulation
- An emergency information card and consent for emergency medical care shall be kept on file for each child

102423 Personal Rights

- Each child in care has rights that shall not be waived or abridged by the licensee regardless of consent or authorization from the child's parent, including:
 1. To be treated with dignity
 2. To receive safe, healthful and comfortable accommodations
 3. To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including, but not limited to: interference with eating, sleeping or toileting; or withholding shelter, clothing, medication or aids
- The licensee shall give a consumer education handout to parents, PUB 72

102424 Smoking Prohibition

- Smoking is prohibited on the premises of a Family Child Care Home during the hours of operation and in areas of the home where children are present

Health and Safety Code, Section 1597.467- Reporting Responsibilities:

- The Licensee shall report to the local licensing office by phone or fax before the end of the next working day, any of the following: death of a child, an injury requiring medical treatment, or any unusual incident that threatens the health and safety of any child in care. A written report is required within 7 days. (LIC 624B, Unusual Incident/Injury Report for Family Child Care Homes.)

Health and Safety Code, Section 1596.817 and 1596.8595 – Posting Notice of Site Visit

- The Department will post a notice of site visit each time a visit is made
- Notice is to be posted for 30 days on, or immediately adjacent to, the main entrance
- The licensee must post reports citing type A violations
- Failure to post any of the required reports for 30 consecutive days will result in civil penalty assessment